

IN THE MATTER OF * BEFORE THE
LUTHERVILLE VOLUNTEER * ZONING COMMISSIONER
FIRE COMPANY, INC. * OF
Petitions for Special * BALTIMORE COUNTY
Exception and Variance * Case No. 94-226-XA
* (Item 225)

**POST-HEARING MEMORANDUM
IN SUPPORT OF PETITIONS FOR
SPECIAL EXCEPTION AND VARIANCE**

Lutherville Volunteer Fire Company, Inc. ("Fire Company"), petitioner, by Timothy L. Mullin, Jr., its attorney, files this Post-Hearing Memorandum in Support of Petitions for Special Exception and Variance, and states:

I. INTRODUCTION

On January 6, 1994, a hearing was held before Deputy Zoning Commissioner Lawrence E. Schmidt on the Petition for Special Exception and Petition for Variance (collectively, the "Petitions") filed by the Fire Company. Specifically, the Petitions request relief in three areas:

1. A special exception pursuant to Baltimore County Zoning Regulations ("BCZR") 1B01.1C.19 for the construction of a volunteer fire company storage garage for storage of back-up equipment, accessories and vehicles;
2. A finding, pursuant to BCZR 1B01.1B.1.g.(10), that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA [Residential Transition Area] use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the

character and general welfare of the surrounding residential premises; and

3. A variance from BCZR 1B01.2C.1a to permit the proposed structure to be constructed within 10 feet of an existing garage in lieu of the required 50 feet.

II. THE FIRE COMPANY AND THE PROPOSED STRUCTURE

The Fire Company was established in 1909, and has been located at its present site since approximately 1927. It provides fire, rescue and emergency medical services to Lutherville and the surrounding community. It presently operates from a four-bay, 2½ story fire station located on Bellona Avenue at Division Avenue in Lutherville.

From this station, the Fire Company operates six (6) pieces of apparatus: Engine 301, a 1990 Mack/Saulsbury pumper; Engine 302, a 1975 Mack pumper; Squad 303, a 1986 Mack/Saulsbury heavy rescue squad; Utility 304, a 1984 Chevrolet utility vehicle; Special Unit 306, a 1992 Ford utility vehicle; and Engine 309, a restored 1954 Mack pumper used for public fire safety education.

Presently, Engine 309 and Special Unit 306 share a bay in the station, which, according to the undisputed testimony, hinders the operations of the company, and is a safety hazard. Utility 304 is stored outside, exposed to the elements. Engine 302 is expected to be replaced with a new pumper to be delivered in July, 1994. At that time, the present pumper is to be

retained as a reserve, but there is no space to store it in the existing facilities.

In order to alleviate the problems for the storage of vehicles, the Fire Company proposes to construct a garage on the southern end of its property, adjacent to an existing garage. The proposed structure is one story, forty-five (45) feet wide by forty-two (42) feet long by twenty-four (24) feet three (3) inches tall. The garage will be steel sided, grey in color with white trim to match the fire station. The north side of the garage will have two (2) overhead steel doors.

As demonstrated by uncontradicted testimony at the hearing, the garage will not change the operations of the Fire Company, will not generate any additional traffic to or from the property, will not increase the responses of the Fire Company, and will not affect in any way the services the County provides. It is entirely compatible with the site, and is not visible from the road. As such, the Fire Company is clearly entitled to the relief requested.

III. REQUEST FOR SPECIAL EXCEPTION

The Fire Company has requested a special exception for permission to have a storage garage in a DR5.5 zone. B.C.Z.R. 1B01.1C.19 clearly permits this use by special exception in DR zone.

Section 502.1 of the Baltimore County code sets forth the standard of granting a special exception. The use must not:

- A. Be detrimental to the health, safety, or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other dangers;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
- G. Be inconsistent with the purposes of the properties' zoning classification nor in any other way inconsistent with the spirit or intent of the zoning regulation; nor
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations. Baltimore County Code Section 502.1.

The uncontradicted testimony at the hearing demonstrates that the requested special exception meets all of these criteria. As set forth above, the proposed use is merely for a storage garage. It is adjacent to an existing storage garage which has been in use for years. The area for which the special exception is requested is part of a single parcel owned by the Fire Company since 1927, the northern portion of which has been in use since that time for a volunteer fire company station. It

is contiguous to residential property on the east and south and church property to the west.

The proposed use will hardly tend to cause congestion or overcrowding. The garage is merely 42 x 45 feet in an area of slightly more than one acre of land. The undisputed testimony reveals that the proposed garage will not change in way the operation of the fire company, nor will it increase traffic to or from the site. The garage will be used solely for storage and for routine maintenance of fire apparatus of the type that might ordinarily be performed in a homeowner's garage. There is no mechanical lifting or other heavy equipment for vehicle repairs proposed for the garage.

In sum, the requested special exception meets all of the criteria of Section 502.1 of the Baltimore County Code and should be granted.

IV. REQUEST FOR EXCEPTION TO RTA REQUIREMENTS

The site for the special exception is in a residential transition area as that term is defined in the Baltimore County Zoning Regulations. The requested use is a permitted residential transition use. B.C.Z.R. 1B01.1B.1.a.2(b). Because the dimensions of the site do not permit the fire company to maintain the buffer and set-backs required by residential transition area requirements, the fire company has requested an exception to residential transition area requirements pursuant to B.C.Z.R. 1B01.1B.1.g.(10). That section provides that the residential transition area restrictions do not apply to:

A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the zoning commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA Use Requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

In its memorandum, the Office of Planning and Zoning asserts that the proposed storage building is not a community building and therefore does not fall within the exception contained in Section 1B01.1B.1.g.(10). The Planning Office maintains an overly restrictive view of the section however, because the exception also includes "other structures devoted to civic . . . activity." Gary L. Kerns, the Office of Planning and Zoning Division Chief who testified at the hearing, admitted on cross examination that the proposed use was an "other structure devoted to civic . . . activity." Consequently, the proposed use is clearly entitled to an exception pursuant to BCZR 1B01.1B.1.g.(10).

The uncontradicted testimony at the hearing demonstrates that the commissioner should make the findings required by the section that:

The proposed improvements are planned in such a way that compliance, to the extent possible with RTA Use Requirements, will be maintained and the special exception can otherwise be expected to be compatible with the character and general

welfare of the surrounding residential premises.

The proposed improvement is planned in such a way that it complies with RTA use requirements to the extent possible. As noted above, the use is a residential transition use as defined in the residential transition area regulations. BCZR 1B01.1B.1.a.2(b). In fact, the proposed use complies with the residential transition area restrictions, except for the set-back requirements, which are impossible to maintain on the site. As demonstrated at the hearing, however, the structure is sited such that it is screened from the residential area to the south by a board on board fence and evergreens and is screened from the residential area to the east by a berm and brush.¹ Indeed, as will be demonstrated below, the variance requested by the Fire Company is precisely to remove the proposed structure as far as possible from existing residences.

The testimony at the hearing also demonstrated that the structure can be expected to be compatible with the character and general welfare of the surrounding residential premises. The structure is to be the same color as the existing fire station. It is a garage, in an area in which an existing garage has been maintained for years, and in a residential area where other garages exist. Although it is adjacent to a historic

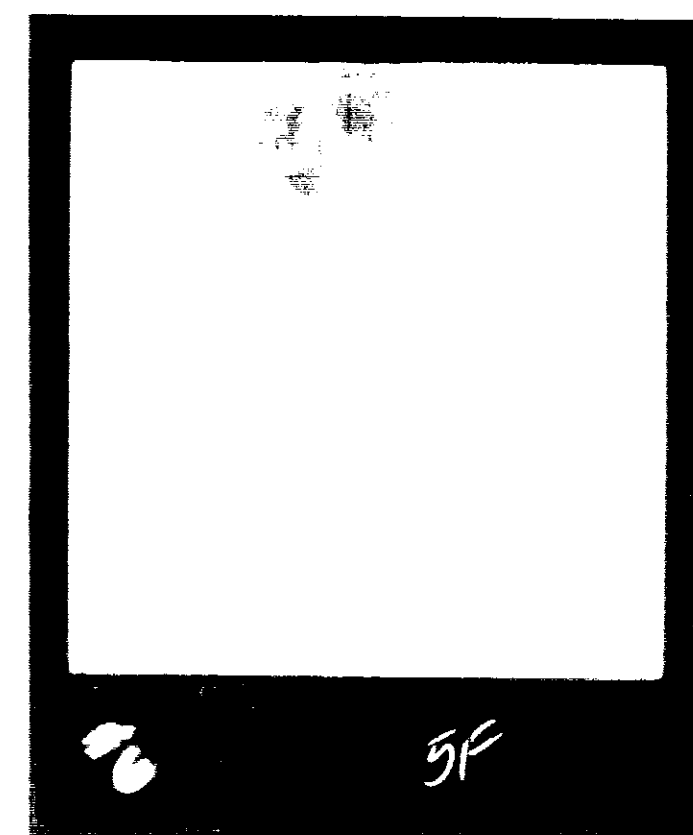
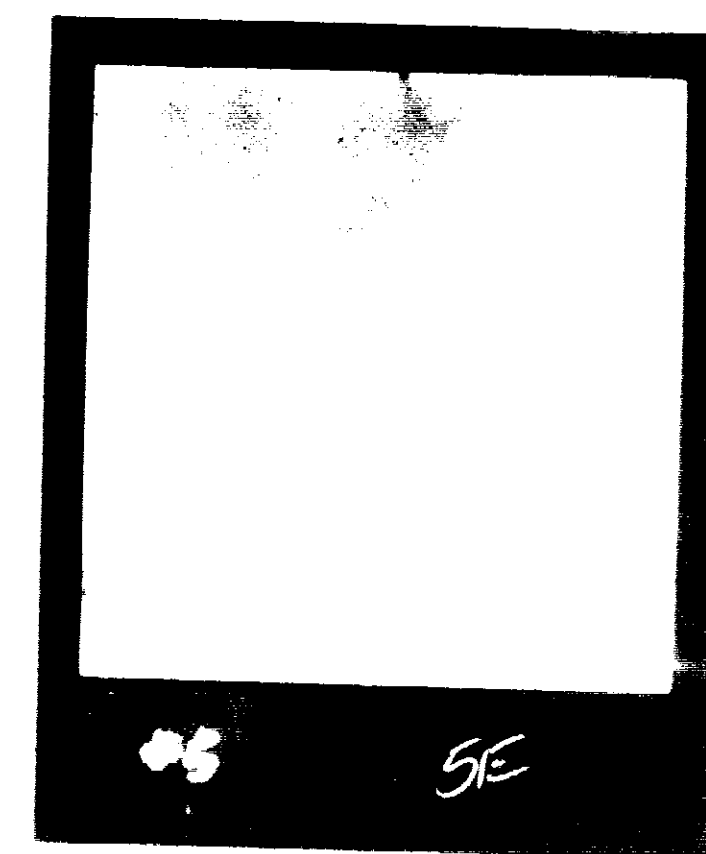
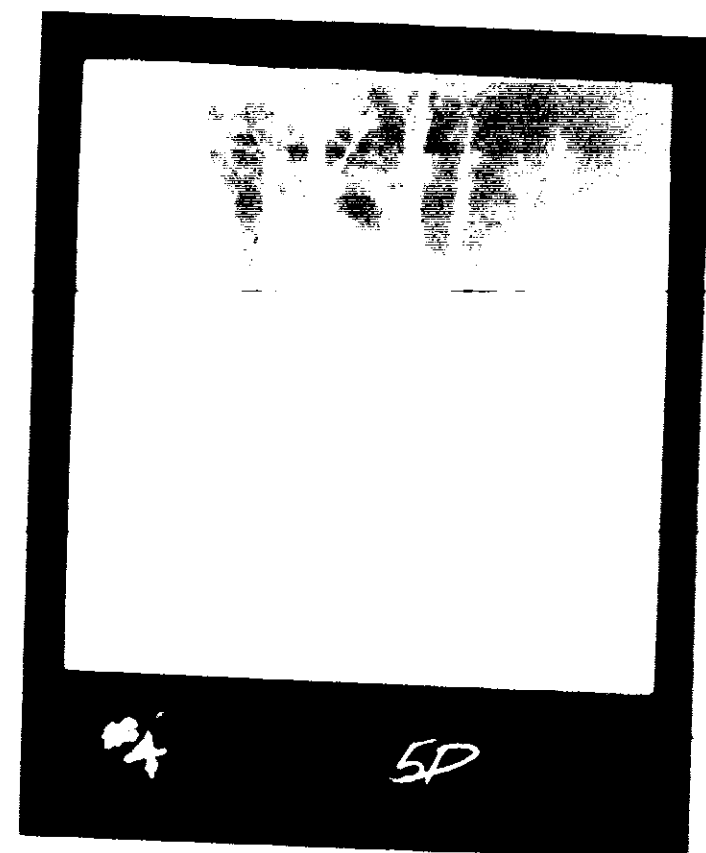
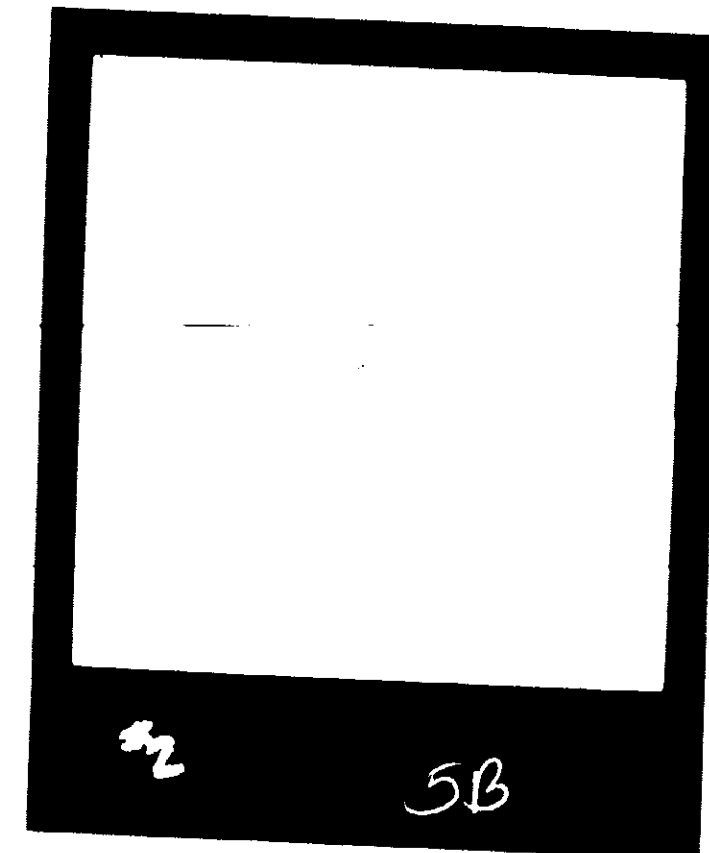
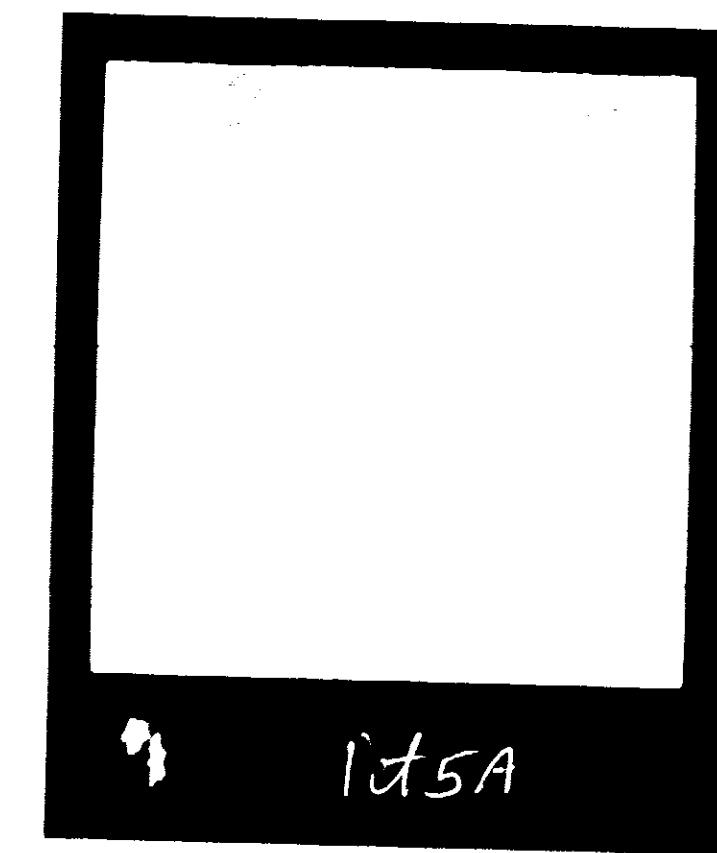
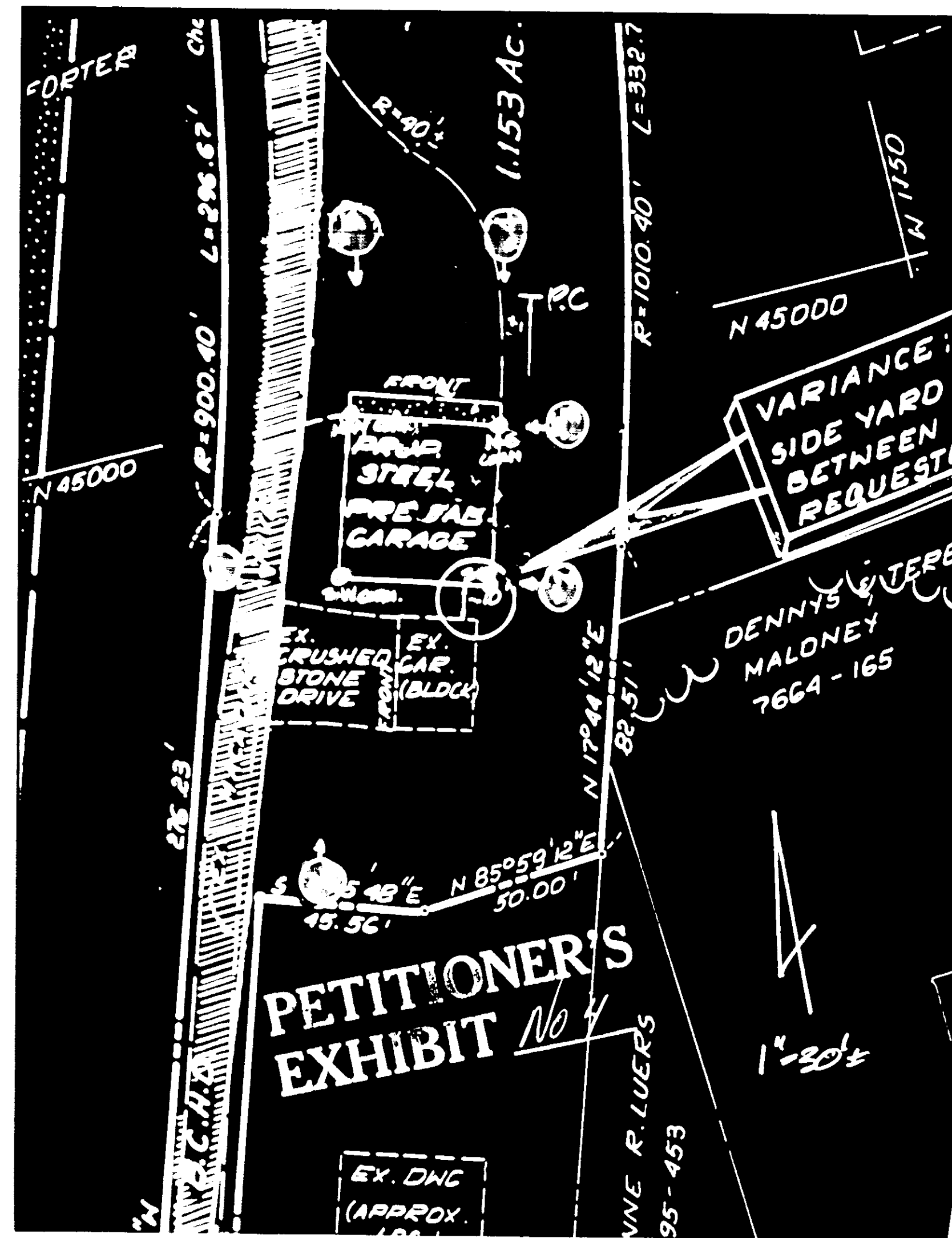
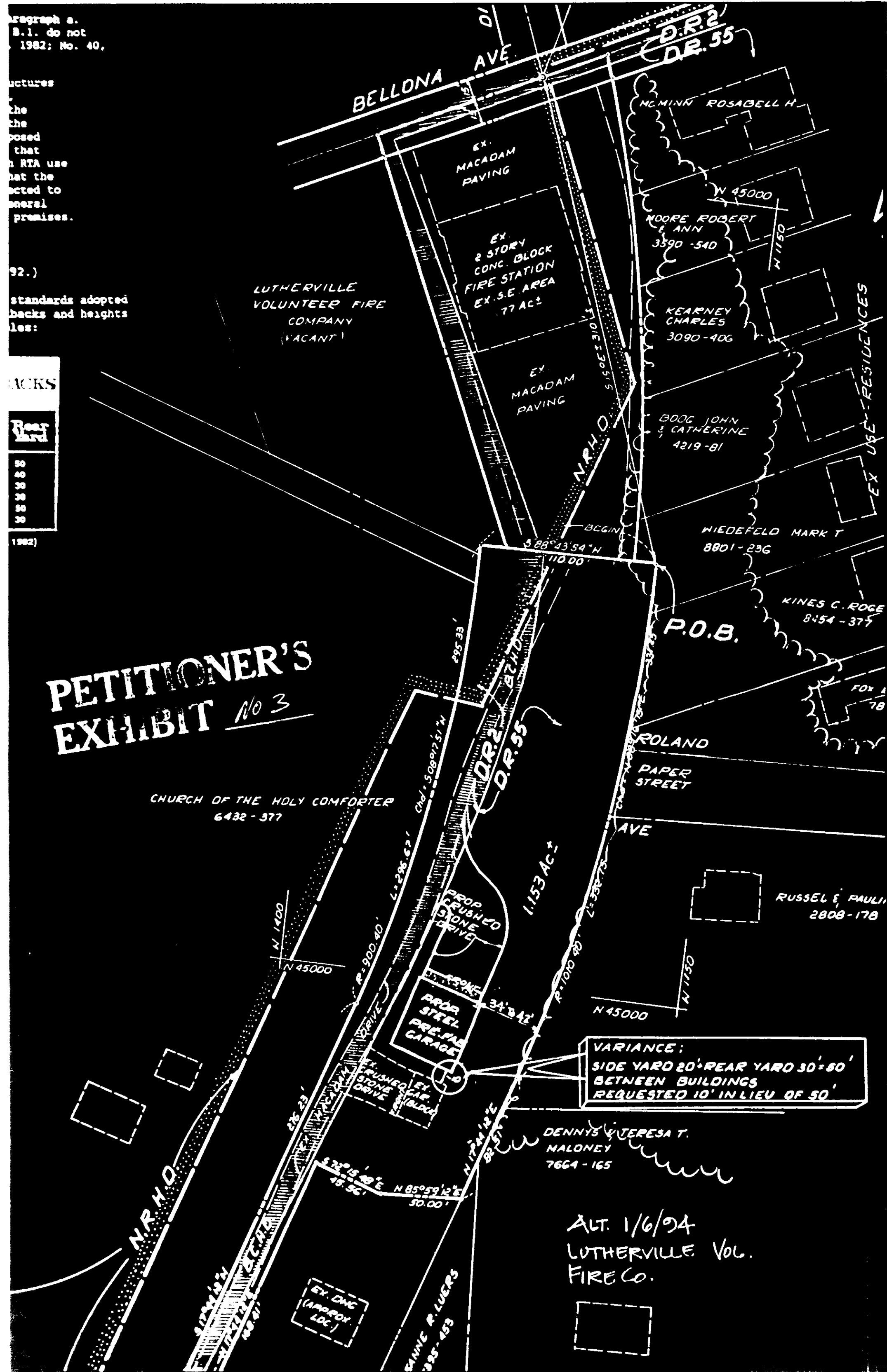
¹ The Fire Company has also agreed with the Lutherville Community Association, Inc. to consult with the adjoining property owners and provide additional reasonable screening if requested, a commitment the Fire Company also made at the hearing.

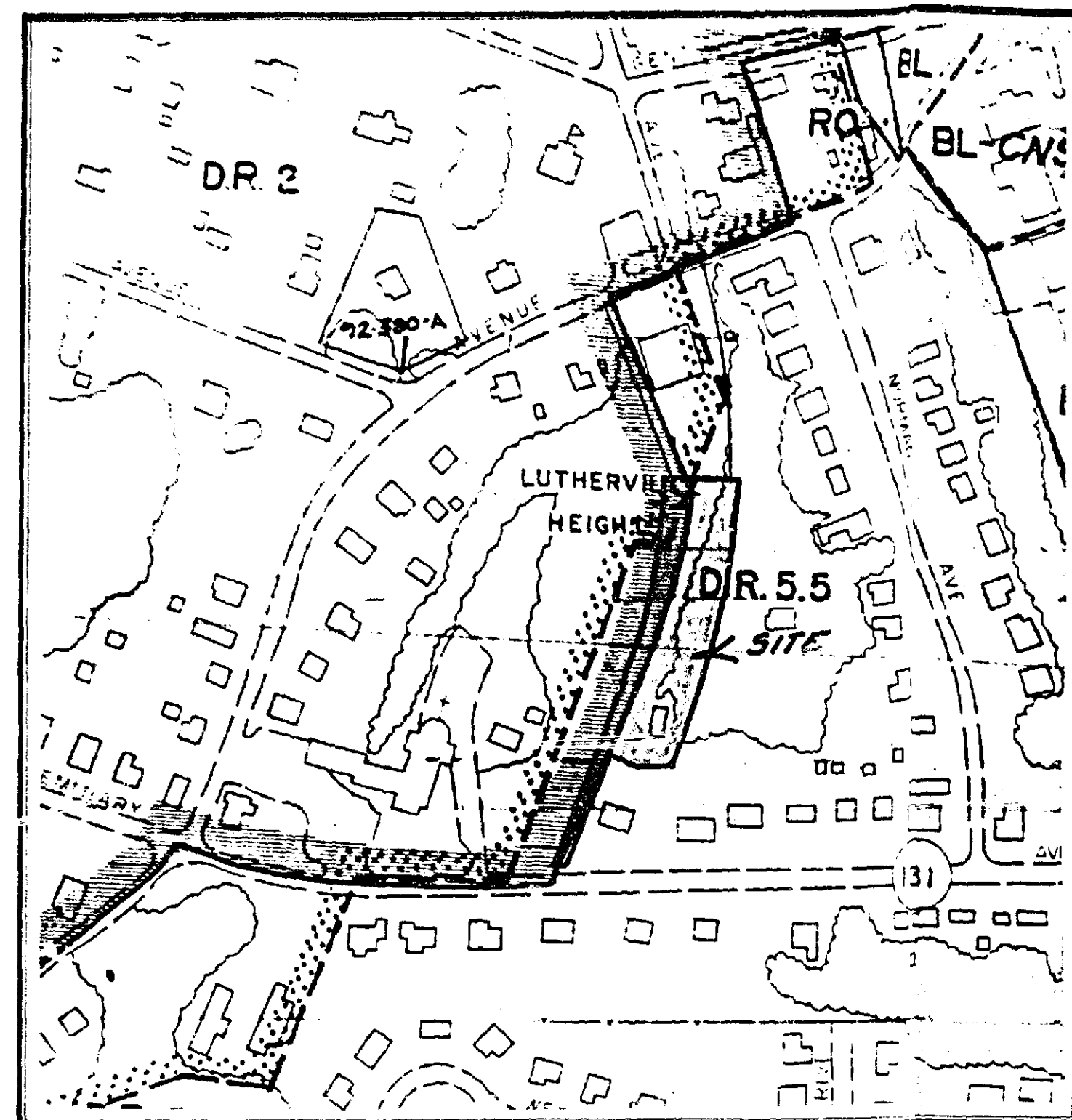
district, it will not be visible from any property that is of historic significance, nor will it be visible from the road. Its impact on the residential area, particularly sited as it is proposed, will be minimal.

None of the protestants testified that the proposed garage was not compatible with the area. Although the Office of Planning and Zoning memorandum indicated that that office requested additional information before making a compatibility determination, that office did not take a position.² Nor did the individual citizens who testified object to the garage as being incompatible with the neighborhood. Moreover, all of the information requested by the Office of Planning and Zoning was provided at the hearing. The zoning regulations require that in this type of situation the Zoning Commissioner make a compatibility determination, and all of the evidence presented indicates that this structure will be compatible with the existing neighborhood.

Consequently, the Zoning Commissioner should make the requested findings and permit the exception to the residential transition area requirements.

² The Office of Planning and Zoning would obviously like a detailed study of compatibility. That position is not warranted for this project, which is, after all, only a storage garage. The Fire Company presented at the hearing, the substantial equivalent of all of the information requested, including photographs of the site from various angles. The Fire Company, as a not for profit organization should not be required to go to the considerable expense suggested by the planning office for this simple project.





ZONING MAP (PART OF OFFICIAL ZONING MAP NO. 12A)
SCALE: 1"=200'

LEGEND

B.C.H.D. BALTIMORE COUNTY HISTORIC DISTRICT
N.R.H.D. NATIONAL REGISTERED HISTORIC DISTRICT
EX. WOODS

PART OF ZONING REGULATION

Section 1801--REGULATIONS WITH RESPECT TO D.R. ZONES IN GENERAL (Bill No. 100, 1970.)

1801.1--General Use Regulations in D.R. Zones. (Bill No. 100, 1970)

B. Dwelling-Type and other supplementary use restrictions based on existing subdivision and development characteristics. (Bill No. 100, 1970; No. 124, 1981.)

1. Residential Transition Areas and Uses Permitted Therein. (Bill No. 100, 1970; No. 124, 1981; Bill No. 2, 1992.)

a. Exceptions to residential transition.

The restrictions contained in sub-subparagraph a. through e. above, of this Subparagraph B.1. do not apply to: (Bill No. 124, 1981; No. 109, 1982; No. 40, 1992.)

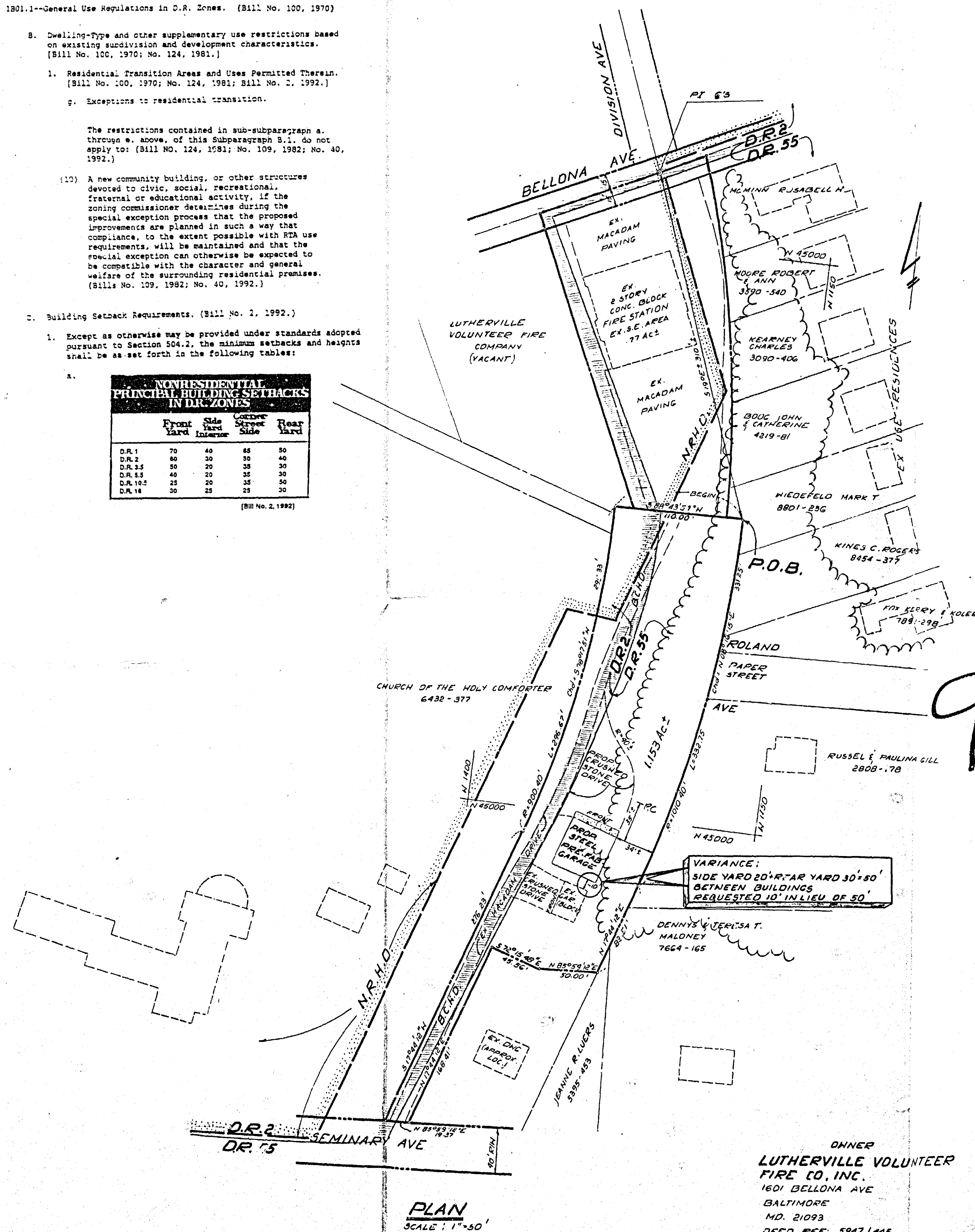
(12) A new community building, or other structures devoted to civic, social, recreational, fraternal or educational activity, if the zoning commissioner determines during the special exception process that the proposed improvements are planned in such a way that compliance, to the extent possible with RPA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. (Bills No. 109, 1982; No. 40, 1992.)

2. Building Setback Requirements. (Bill No. 2, 1992.)

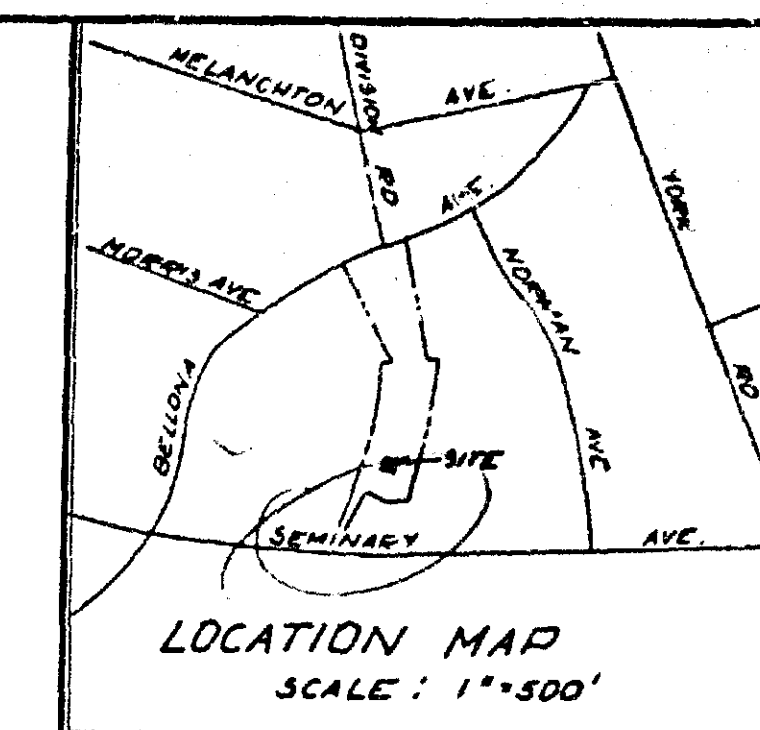
1. Except as otherwise may be provided under standards adopted pursuant to Section 504.2, the minimum setbacks and heights shall be as set forth in the following tables:

	NONRESIDENTIAL PRINCIPAL BUILDING SETBACKS IN D.R. ZONES			
	Front Yard	Side Yard	Side Street	Rear Yard
D.R.1	70	40	45	50
D.R.2	60	30	30	40
D.R.15	50	20	35	30
D.R.55	40	20	35	30
D.R.105	25	20	25	30
D.R.18	30	25	25	30

(Bill No. 2, 1992)



OWNER
LUTHERVILLE VOLUNTEER
FIRE CO., INC.
1601 BELLONA AVE
BALTIMORE
MD. 21093
DEED REF. 59471445



94-226-XA

NOTE: THE PROPOSED USE OF THE GARAGES IS FOR STORAGE OF BACK-UP EQUIPMENT & ACCESSORIES.

PETITIONER'S
EXHIBIT No. 1

EX. SPECIAL EXCEPTION AREA SEE ZONING CASES

1. 68-143-X (RECLASS. S.E. GRANTED)
2. 78-35 SPH (AMEND. S.E. GRANTED)
3. 78-225 SPH (AMEND. S.E. GRANTED)
4. 4594-X (1959 S.E. FOR NURSERY SCHOOL - GRANTED)

PLAT TO ACCOMPANY PETITIONS
FOR A
SPECIAL EXCEPTION TO PERMIT A
VOLUNTEER FIRE COMPANY IN A
D.R. ZONE. (B.C.Z.R. 1801.1C9219)
AND A VARIANCE
BALTIMORE CO., MD
SCALE: 1"=50'

ELECTION DIST. 8
DATE: 10/26/93
SHT. 1 OF 1

PN 7367

GWS

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
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TOWSON, MARYLAND 21204
(301) 825-8120

V. THE VARIANCE REQUESTED BY THE FIRE COMPANY SHOULD BE GRANTED

The third request of the Fire Company for relief is for a variance from BCZR 1901.2C1A, to permit the proposed garage to be within ten feet of the existing garage instead of fifty feet as required by the zoning regulations. The purpose of this variance is twofold. First, and most important, it permits the garage to be moved further to the south, and thus moves it as far as practicable from the residence to the east on Roland Avenue, a paper street. Moreover, it permits the Fire Company to maintain its traditional training area, which has been in use for years, and about which there have been no complaints.

Because the variance is for the benefit of both the Fire Company and surrounding community, there would be a hardship in not permitting the variance, particularly to the residents on Roland Avenue which would have the garage sited more closely to it. Consequently, the Zoning Commissioner should grant the requested variance.

VI. THE OBJECTIONS OF THE PROTESTANTS

Although the Lutherville Community Association, Inc. ("Community Association") appeared at the hearing by counsel, the Community Association has withdrawn any opposition to the Petitions. The Community Association has now voiced its support for the Petitions.¹

¹ Copies of a letter agreement and a Declaration of Restrictions entered into between the Community Association and the Fire Company have been added to the record of this proceeding.

Of those who testified at the hearing, not a single protestant objected to the proposed structure. Neither of the individual citizens who testified in the protestants' case lived within sight of the garage and neither had a particular objection to the garage. Rather, they objected to the existing special exception of the Fire Company, an objection which is irrelevant to this case. The uncontradicted testimony was that the garage would not change the operations of the Fire Company in any respect, and consequently, objections to the existing special exception pursuant to which the fire station is located on Bellona Avenue have no relevance here.

Of particular note is the fact that none of the adjoining property owners attended the hearing and objected to the structure. Rather, two residents, from blocks away, appeared to protest.

Nor did the Office of Planning and Zoning take exception to this structure. Rather, the Office of Planning and Zoning did not take a position with respect to compatibility.

The Office of Planning and Zoning did recommend, however, that this project be referred to the Baltimore County Landmarks Commission and the Baltimore County Planning Board, pursuant to Section 26-207(3) of the Development Regulations. That regulation, however, does not require reference to those entities unless a structure is within a county historic district. The Planning Office memorandum admits that this site

is not within the Baltimore County historic district⁴ and consequently there is no authority to refer this project to the Baltimore County Landmark Commission or the Baltimore County Planning Board.

Moreover, the Fire Company need not comply with the development process in connection with this project as suggested by the Planning Office memorandum. Section 26-171(8)(8) of the Development Regulations clearly exempts from the Planning Office process "the construction of a building owned and operated by a county volunteer fire, ambulance, or rescue company which is used primarily for storage or training purposes, fund raising activities, or other purposes relating to rescue or fire suppression activities." During his testimony, Mr. Kerns admitted that this structure fell within that exception to the development process.

In sum, there was virtually no objection to this structure which is relevant to this hearing. Consequently, the Zoning Commissioner should grant the request of relief.

VII. CONCLUSION

Based on the discussion above, the Fire Company respectfully requests that the Zoning Commissioner grant the requested relief.

⁴ Notwithstanding the Planning Office memorandum, Mr. Kerns testified that there was some "confusion" about whether the site was located in the county historic district. That "confusion" was clarified by Mr. McGrane, the County Historian, who testified unequivocally that the site was not within the county historic district.

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MILES & STOCKBRIDGE
A Professional Corporation
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(410) 385-3641
Attorney for Lutherville
Volunteer Fire Company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 1994, a copy of the foregoing Post-Hearing Memorandum In Support of Petitions for Special Exception and Variance was mailed first class, postage prepaid to:

J. Carroll Holzer, Esquire
305 Washington Avenue
Suite 502
Towson, Maryland 21204

Timothy L. Mullin, Jr.

IN RE: * BEFORE THE
LUTHERVILLE VOLUNTEER FIRE * ZONING COMMISSIONER
COMPANY, INC. * OF BALTIMORE COUNTY
PETITION FOR SPECIAL EXCEPTION; * Item No. 225
PETITION FOR VARIANCE * Case No. 94-226XA
* * * * *

PROTESTANTS' MEMORANDUM
IN LIEU OF FINAL ARGUMENT

The Lutherville Community Association, Inc., by J. Carroll Holzer, Protestants, hereby submits this Memorandum in lieu of final argument to the hearing held before the Zoning Commissioner of Baltimore County on January 6, 1994.

STATEMENT OF CASE AND FACTS

The Lutherville Volunteer Fire Company, Inc., has requested a Petition for Special Exception for property located at 1609 Bellona Avenue, presently zoned DR-5.5, for a Volunteer Fire Company storage garage for storage of back-up equipment, accessories, and vehicles. The Petitioners further request a variance for rear and side yard setbacks for a steel pre-fab garage on the aforesaid property.

The Petitioner presented the testimony of Mike Huber, Jamie Cahn, and Jim Klein, of G. W. Stevens, to support the proposition that the existing Special Exception for the Lutherville Fire Company, located at 1601 Bellona Avenue, should be extended to include the additional area behind the existing firehall to encompass the proposed garage which is depicted upon the Petitioners' Exhibit Number One, to accompany Special Exception.

The evidence reflects that a pre-fab steel structure with two eighteen foot doors will be constructed to permit the housing of overflow and out of service fire vehicles for the Volunteer Fire Company. The building will be approximately 45 feet wide, 24 feet high, and 42 feet in length. The present building has four bays and houses four vehicles; the proposed garage will store two reserve fire engines and one utility vehicle.

LEGAL ARGUMENT

The Protestants submit that contained within the testimony of Mr. Huber, Cahn, and Klein, no evidence was presented to support the effect of this proposed extension of the Special Exception for the Volunteer Fire Company to the proposed site. There was no examination of any of the witnesses nor testimony supporting the required elements of Section 502.1 before the Zoning Commissioner. The record is devoid of opinion testimony under 502.1 reflecting no adverse effect thereunder.

In conjunction with that argument, Protestants would also submit that there was no evidence of hardship or practical difficulty submitted by the Petitioner from which the Zoning Commissioner could determine to grant the Petition for Variance under the Baltimore County Zoning Regulations. Again, the record is devoid of evidence necessary to meet the legal standards required.

Thirdly, the Protestants would submit that the Lutherville Volunteer Fire Company, Petitioner, has failed to satisfy the requirements requested by the Office of Planning and Zoning with

evidence sufficient to support a finding of "compatibility" between the proposed garage and the request to vary the RTA requirements pursuant to Section 26-206 and 26-282. For the above reasons, the Petition for Special Exception and Variance should be denied.

SUBSTANTIVE EVALUATION

Fourthly, the evidence in this case confirms the findings of the Deputy Director of Planning Pat Keller in his Memorandum of Inter-Office Correspondence dated December 16, 1993, indicating that the site in question is within a Community Conservation Area, is within the Lutherville National Register Historic District, and is adjacent to the Lutherville Baltimore County Historic District. Section 26-207(3) of the Development Regulations requires referral of this request to the Baltimore County Landmarks Commission and the Baltimore County Planning Board if the proposed site "involves" the Baltimore County Landmarks List or District. The Zoning Commissioner will recall the case of "In the Matter of the Greystone Golf Course," Case No. 92 CV 2876, which was the case interpreting this very section of the Development Regulations. Therein, Judge Howe, of the Circuit Court, found that a proposed golf course three miles from the Wisebury Inn, which was located on the Baltimore County Landmarks List, should be referred to the Baltimore County Planning Board to determine the question of "involvement." Clearly in this case, with the property adjacent to the Lutherville Baltimore County Historic District and additionally within the Lutherville National Register Historic District and within a Community Conservation Area, this matter should be

referred to the Baltimore County Planning Board for their consideration pursuant to Section 26-207 as suggested by the Office of Planning and Zoning.

Fifthly, Protestants submit that the proposed storage building for the Volunteer Fire Company is clearly not a "community" building pursuant to Section 1901.1.b.1.g(10) which would provide an exception to RTA requirements. Therefore, Protestants submit that the Zoning Commissioner, if he determines to grant a variance to the RTA requirements, must find, pursuant to Section 26-206 and 26-282 the fact that the reduction of the RTA will not adversely impact a residential community or development on the land adjacent to the site in question. Since significant cross sections of the proposed building from all four contiguous residential properties and a landscape plan with proposed plantings for purposes of screening have not been provided, the Zoning Commissioner should deny this request until such information is provided and evaluated to support the request.

The evidence presented before the Zoning Commissioner indicated that on the morning of hearing, a typical drawing for a building was submitted as Petitioners' Exhibit Two for the first time and that cross sections of the building and impact and proposed landscape plans were not even considered nor provided by the Volunteer Fire Company.

Finally, testimony was presented in regard to the type of training provided; however, there was no specific information as to the hours and limit of the area designated as training area in the

new proposed Special Exception for the Volunteer Fire Company for the Zoning Commissioner to condition any grant of a Special Exception.

In addition, the Planning Office observation in regard to the disabled vehicles, and the explanation provided by the Volunteer Fire Company is certainly understandable. However, as requested, these junked vehicles, if they are to be part of the training operation, should be stored in an area fenced with a board on board fence.

Finally, the Protestants would like guidance as to whether or not the Volunteer Fire Company will be required to develop this site through the development process, including a community input meeting, or will be granted a limited exemption under the development regulations.

WHEREFORE, for all the reasons stated above, the Protestants submit that the Zoning Commissioner should deny this Request for Special Exception and Variance.

Respectfully submitted,

J. Carroll Holzer
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305 Washington Avenue
Suite 502
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(410) 825-6961
Attorney for Protestants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of January 1994, a copy of the foregoing Memorandum in Lieu of Final Argument was mailed, postage pre-paid, to: Timothy L. Mullin, Jr., Esquire, Miles & Stockbridge, 10 Light Street, Baltimore, Maryland, 21202-1487.

J. Carroll Holzer

petitions@lutherville.vic

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IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
S/S Bellona Ave., at intersection* ZONING COMMISSIONER
with Division Avenue * OF BALTIMORE COUNTY
1609 Bellona Avenue *
8th Election District * Case No. 94-226-XA
8th Councilmanic District *
Lutherville Volunteer Fire Co. *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Exception and Petition for Zoning Variance for the property located at 1609 Bellona Avenue in Lutherville. The Petition is filed by the Lutherville Volunteer Fire Co., Inc., property owner. Within the Petition for Special Exception, relief is sought, pursuant to Section 1801.1.C.19 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a volunteer fire company storage garage for storage of backup equipment, accessories and vehicles. Moreover, special exception relief is requested pursuant to Section 1801.1.B.1.g(10) for a finding that the proposed improvements are planned in such a way that compliance to the extent possible with residential transition area (RTA) use requirements will be maintained, and that the special exception can, otherwise, be expected to be compatible with the character and general welfare of the surrounding residential premises. As to the Petition for Variance, relief is sought from Section 1801.2.C.1.a. of the B.C.Z.R. to permit a proposed steel prefabricated garage with a rear yard setback of 10 ft. in lieu of the required 30 ft. Secondly, variance relief is requested for an existing garage to allow a side yard of 10 ft. in lieu of the required 20 ft. Lastly, variance relief is required to allow a distance of 10 ft. between the rear of the proposed steel prefabricated garage and the side of an existing garage in lieu of the required 50 ft. All of the relief requested is more particular-

ORDER RECEIVED FOR FILING

Date 1/17/94
By J. Carroll Holzer

ly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Exception and Variances.

Appearing at the public hearing held for this case was Michael L. Huber, Captain of the Lutherville Volunteer Fire Company and James D. Cahn, President of that corporation which operates the volunteer fire company. Also present was James S. Kline, a Planner with G.W. Stephens and Associates. The Petitioner was represented by Timothy L. Mullin, Jr., Esquire. Appearing in opposition to the request was Marsha McLaughlin and George Nixon, neighbors. They were represented by J. Carroll Holzer, Esquire. Walter L. Brewer, who lives in the subject area also testified, as did Gary Kerns from the Office of Planning and Zoning.

Michael L. Huber, Captain of the Lutherville Volunteer Fire Company appeared and described the property and proposed plans. Captain Huber is employed as a paid member of the Baltimore County Fire Department but is also the part time Captain of the Lutherville Volunteer Fire Company. He indicated that the membership of the company is comprised of 112 volunteers. The company has been at its present location on Bellona Avenue for many years and its good deeds are well known throughout the community. In 1993, the company answered approximately 1523 emergency calls. These include responding to fires, as well as other emergency requests such as motor vehicle accidents and injuries. The subject site is presently improved with an existing two story concrete block fire station building. This building sits on the front of the fire company property immediately adjacent to Bellona Avenue. That section of the property is comprised of .77 acres and is predominantly zoned D.R.2. The fire company also owns a lot to the rear of the frontage on Bellona Avenue. This rear lot is 1.153 acres and is split zoned D.R.2 and D.R.5.5. It extends all the way to Seminary Avenue to the south.

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Captain Huber testified that the fire company presently maintains six pieces of equipment on this site. These include a 1990 pumper engine, a 1975 pumper engine, 1986 heavy rescue squad vehicle, a 1984 Chevrolet utility vehicle, a 1992 Ford utility vehicle and a restored 1954 Mack pumper engine. He also indicated that the existing concrete building contains only 4 bays. Moreover, the 1975 pumper unit is to be replaced in July of 1994 by a new unit. Due to the number of units and proposed replacement, Captain Huber opined that the existing concrete block facility is cramped and overcrowded. Specifically, there is not enough inside storage space and a number of the units must be stored outside and exposed to the elements.

In order to alleviate these storage problems, the fire company proposes to construct a garage on the rear lot adjacent to an existing garage. The proposed structure is a one story 45 ft. wide by 42 ft. long by 24 ft. 3 inches tall structure. The proposed garage will be steel sided, gray in color with white trim to match the fire station. There will be two overhead steel doors on the garage and this additional space will allow inside storage of all of the fire company's vehicles.

Captain Huber also noted that the construction of the proposed garage will not affect the operation of the fire company in any manner. The same number of calls are expected to be answered. Moreover, it is anticipated that the new garage will be used for storage purposes only. The units which are actively answering calls will be stationed in the existing two story concrete block building which immediately faces Bellona Avenue. Moreover, there will be no heavy vehicular repair in the proposed garage, just light maintenance including oil changing, vehicle cleaning, tire rotation, etc. The garage will also be single story in height and there will be no second floor.

- 3 -

Captain Huber also described the present and anticipated operations of the fire company. As noted above, these operations will not be affected by the construction of the proposed garage. Presently, there is training of volunteers on site relating to emergency service. There is no burning or open flames on the site in that most of the fire training is received at the Baltimore County Fire Department Headquarters.

Mr. James Cahn, President of the corporation which maintains the fire company also testified. He has been a member of the fire company for 10 years and described in great detail the prefabricated garage which is proposed. He noted that the cost would be approximately \$65,000.00 and that some utilities would be extended to the garage. There will be no water, however, gas and electric will be extended. Moreover, there are no lifts, rather a single floor for storage of the vehicles which are not used frequently. Although the garage is located to the rear of the site, the entrance will be by way of a crusher run surface driveway which extends from Bellona Avenue. Mr. Cahn also noted that the special exception use presently granted for the fire house does not extend to the rear lot including that part of the property on which the garage is to be located. Mr. Cahn also described efforts made to shield the fire company's operations and the proposed building from the community. He indicated that vegetation and landscaping in the rear of the site would not be removed but will be left to buffer the buildings. He also opined that indoor storage of the vehicles might be more acceptable to the community in that that would take them out of open view.

James Kline, the land planner who prepared the site plan, also testified. He offered into evidence Petitioner's Exhibit No. 3, which is a plat of the property showing the correct placement of the tree line and landscaping towards the rear of the site. Mr. Kline described in detail the pro-

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posed improvements and corroborated much of Captain Huber's and Mr. Cahn's testimony.

Testifying in opposition to the request was Marsha McLaughlin who lives in Lutherville. She conceded that the station has been part of the Lutherville landscape for many years and complimented that station on the fine public service which it provides. However, she believes that over time, the station has outgrown its property. She noted the explosion of development in the Lutherville and surrounding area which the fire station serves and that the number of calls answered by the station have increased dramatically over the years. In view of this increase in population in this area, she believes that the time has come for the fire station to find a larger property from which to base its operations. Although not particularly opposed to the proposed garage, any future expansion is a cause for concern in Mrs. McLaughlin's view.

Mrs. McLaughlin's testimony was echoed by George Nixon and other residents of the area. He lives not far from the intersection of Morris Bellona Avenues and acknowledged the good work by the volunteer fire company in Lutherville. However, he did observe that this is a mature residential community and a stable neighborhood. He is concerned that continued expansion of the fire company will overcrowd the land and burden the area.

Testimony was also received from Walter Brewer. Mr. Brewer has been a member of the volunteer fire company for many years and also lives in the surrounding community. He described his position as being caught on the horns of a dilemma, in that he appreciates the fine work of the fire company but is aware of the community's concerns. After balancing these considerations, he opined that the volunteer fire company is an integral part of this community and that the proposed special exception and variance should be granted.

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Date 1/17/94
By J. Carroll Holzer

Testimony was also received from Gary Kerns, Chief of the Community Planning Division of the Office of Planning and Zoning (OPZ), and John McGrain, also, of OPZ. Their testimony will be discussed in connection with the special relief requested herein.

It is also to be noted that after the public hearing was concluded, counsel for both the Petitioner and Protestants requested an opportunity to submit written briefs outlining their respective positions. This Zoning Commissioner provided both sides with adequate opportunity to submit written memorandum. Prior to the submission of memorandum, additional correspondence was received evidencing an agreement between the fire company and the Lutherville Community Association, Inc. In fact, written correspondence was received by this Zoning Commissioner evidencing said agreement which included a Declaration of Restrictive Covenants which have been recorded among the Land Records of Baltimore County. The parties jointly requested that any decision issued by this office approving the zoning relief sought include, as a restriction, adoption of the restrictions previously referred to. Thus, it appears as if the parties have addressed and resolved their concerns by agreement. This agreement will be considered within my deliberations of the merits of this case.

The first issue for consideration relates to the requested special exception for a volunteer fire company in a D.R.5.5 zone pursuant to Section 1801.1.C.19 of the B.C.Z.R. As noted above, the "front" portion of the property previously received special exception approval. The Petitioner has requested an extension of the special exception use to the rear lot.

A special exception use is part of the comprehensive zoning process which enjoys a presumption that same is appropriate in a particular zone. See Rockville Pool and Feed Co., Inc. v. Board of Appeals of the City of

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ORDER RECEIVED FOR FILING

Date 1/17/94
By J. Carroll Holzer

Calithersburg, 257 Md. 183, 262 A2d 494 (1970). That is, a special exception is presumptively permissible, absent a showing that the proposed use fails to meet the standards contained within Section 502.1 of the B.C.Z.R. Schultz v. Pritts, 432 A2d 1319 (1981). That section of the regulations provides a comprehensive list of those factors which must be considered by the Zoning Commissioner in evaluating a special exception use. They include such items as traffic, pollution, water run off, stormwater management, and etc. The Petitioner bears the burden of adducing testimony and evidence that the proposed use will not be detrimental to the health, safety and general welfare of the locale in accordance with the factors enumerated in Section 502.1 of the B.C.Z.R.

There was no direct opinion testimony offered by the Petitioner as to whether those standards were met. Rather, the testimony offered described the general and specific impacts of the existing fire station use and proposed expansion. In this instance, I am afforded the luxury of receiving testimony about this use as it has existed over the years. That is, this is not a new use proposed for the site. As was noted by both Captain Huber and Mr. Cahn, the proposed operation of the facility will not be changed due to the proposed expansion.

After due consideration of the evidence and testimony presented, I am persuaded that the Petition for Special Exception should be granted. I am appreciative of the citizens' concern regarding this site. It is indeed nestled within a residential community and Bellona Avenue is not an arterial roadway. Nonetheless, as presently constituted and operated, the special exception use is appropriate. The proposed garage will not enlarge operations. In fact, it may prove to be of benefit to the community by placing vehicles inside which are presently stored out of doors and visible to the neighborhood. Thus, I am persuaded to approve the Petition for Special

- 7 -

cial Exception in that I believe that the present operations can continue without detriment to the community. Expansion of said operations or additional construction, however, would mandate an additional public hearing pursuant to a Petition for Special Exception and/or Special Hearing in the future.

The second issue raised within the Petition for Special Exception relates to the Residential Transition Area (RTA) and the Petitioner's request for a finding that the proposed use complies with Section 1801.1.B.1.g.(10) of the B.C.Z.R. RTA's are defined within Section 1801.1.B.1 of the B.C.Z.R. Therein, an RTA is defined as a 100 foot area, including any public road or public right of way which extends from a D.R. zone tract boundary into the site to be developed. Moreover, the regulations provide that the purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers or screening are provided between dissimilar housing types. The regulations go on to list a number of exemptions from the RTA requirements. One of the exemptions is contained within Section 1801.1.B.1.g.(10) of the B.C.Z.R. Therein, it is provided that a new community building or other structures devoted to civic, social, recreational, fraternal or educational activity are exempt from the RTA requirements if the Zoning Commissioner determines that the proposed improvements are planned in such a way that compliance to the extent possible with the RTA use requirements will be maintained. Moreover, a finding must be made that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises. The Office of Planning and Zoning, during the testimony and Gary Kerns, Chief of Community Planning Division, has taken the position that RTA is indeed applicable to

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Date 3/23/94
By [Signature]

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this site. Thus, OPZ believes that a variance from the R.T.A. requirements is required in that same are applicable to this site. I disagree.

Section 101 of the B.C.Z.R. defines a number of the terms used throughout the regulations. Moreover, it is provided that if any term is not specifically defined, the ordinarily accepted meaning of the word shall be applied as found in Webster's Third New International Dictionary of the English Language Unabridged. The term "civic" is not defined in the B.C.Z.R. However, the term is quite obviously defined within Webster. Therein, civic is defined to mean "forming a component of or connected with the functioning, integration and development of a civilized community involving the common public activities and interests of the body of citizens". Moreover, the definition includes those activities "concerned with or contributing to the general welfare of the betterment of life for the citizenry of a community". In my view, a fire house is a civic building. The use of the fire house and the nature of the business operated on this property are civic in nature. Services provided by the Lutherville Volunteer Fire Company are among the most basic services required by any community. This is a "not for profit" operation which exists to serve the needs of the citizens of Lutherville and the surrounding area. The proposed building, which will be used to store equipment used in this purpose, must be considered a civic building. Thus, in my view, the proposed structure is, indeed, devoted to civic activity and is thereby exempt from the RTA requirements.

Moreover, in view of that exemption language, and based upon the testimony and evidence presented, I find that the proposed improvements are planned in such a way that compliance, to the extent possible with RTA use requirements, will be maintained and that the special exception can, otherwise, be expected to be compatible with the character and general

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Date 3/23/94
By [Signature]

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welfare of the surrounding residential premises. Thus, the Petition for Special Exception, in its entirety, shall be granted. Again, it is to be particularly emphasized that my judgment is based upon the site plan presented which depicts the existing use of the property and the proposed garage. Any future expansion need require additional consideration.

Having addressed the Petition for Special Exception, attention is next turned to the Petition for Variance. As noted above, three variances are requested, all which relate to the location of the proposed garage. Section 307 of the B.C.Z.R. provides the standard by which variances must be adjudged. Therein, it is provided that a variance can be granted only if the Petitioner shows a practical difficulty or unreasonable hardship. Moreover, variance relief can only be approved if the proposed use will not be detrimental to the surrounding locale and is consistent with the spirit and intent of the regulations. In this case, I find that the Petitioner has satisfied its burden at law. The site constraints imposed by the narrow configuration of this property satisfy the practical difficulty standard. The garage cannot be located in any area other than where it is proposed. Strict compliance with the setback regulations would deprive the Petitioner of a reasonable use of the property for this purpose. Thus, the Petition for Variance shall be granted.

Having addressed the special exception and variance relief requested, a final comment is in order about restrictions to the relief granted (Section 502.2). The B.C.Z.R. and County Code (Section 26-127) allow this Zoning Commissioner to impose reasonable restrictions upon the grant of any variance or special exception. As noted above, I share the community's concerns over additional expansion. The site is, indeed, within a community conservation area and near the County historic district. In fact, Mr. McGrain indicated that the County historic district line coincides exactly

ORDER RECEIVED FOR FILING
Date 3/23/94
By [Signature]

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with the western boundary of this property. Thus, provisions should be made for the protection of the existing community and to ensure that the operation and character of the site do not change. For these reasons, I shall impose as conditions on the relief granted, the terms and provisions of the Declaration for Restrictive Covenant attached to the agreement by and between the parties. In addition to running with the land as part of the Land Records of Baltimore County, the covenants and agreements therein shall be a condition precedent to the granting of this Order. Thus, a copy of the aforementioned restrictive covenants entitled "Declaration of Restrictions" will be attached to this Order and incorporated herein.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 23rd day of March, 1994 that, pursuant to the Petition for Special Exception, approval for addition of a storage garage for storage of backup equipment, accessories and vehicles, pursuant to Section 1801.1.C.19 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a special exception, pursuant to Section 1801.1.B.1.g.(10), for a finding that the proposed improvements are planned in such a way that compliance to the extent possible with residential transition area (RTA) use requirements will be maintained and that the special exception can, otherwise, be expected to be compatible with the character and general welfare of the surrounding residential premises, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a variance from Section 1801.2.C.1.a. of the B.C.Z.R. to permit a proposed steel prefabricated garage with a rear

yard setback of 10 ft. in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing garage to allow a side yard of 10 ft., in lieu of the required 20 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance to allow a distance of 10 ft. between the rear of the proposed steel prefabricated garage and the side of an existing garage, in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The agreement by and between the Lutherville Volunteer Fire Company and the Lutherville Community Association, entitled Declaration of Restrictions, dated February 15, 1994, be and is hereby incorporated as a condition to the relief granted herein.

LES:mm

ORDER RECEIVED FOR FILING
Date 3/23/94
By [Signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 23, 1994

Timothy L. Mullin, Jr., Esquire
Hiles and Stockbridge
10 Light Street, Suite 1300
Baltimore, Maryland 21202-3641

RE: Petitions for Special Exception and Variance
Case No. 94-226-2A
Property: 1609 Bellona Avenue, Lutherville
Lutherville Volunteer Fire Company, Inc., Petitioner

Dear Mr. Mullin:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

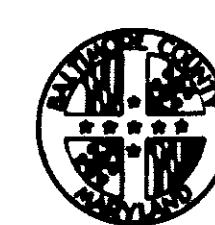
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

[Signature]
Lawrence E. Schmidt
Zoning Commissioner

LES:mm
att.

cc: James D. Cahn, President
Captain Michael L. Huber
James S. Kline, G.W. Stephens and Assoc.
J. Carroll Holser, Esquire



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1609 Bellona Avenue

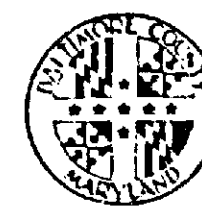
which is presently zoned D.R.S.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property shown in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a volunteer fire company storage garage for storage of back-up equipment, accessories and vehicles, pursuant to B.C.Z.R. 1801.1C19, and for a finding pursuant to B.C.Z.R. 1801.1B.1.g(10) that the proposed improvements are planned in such a way that compliance to the extent possible with RTA use requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Current Petitioner/Owner
Name of Petitioner
Signature
Address
City
State
Zip
Legal Owner(s)
Lutherville Volunteer Fire Company, Inc.
Signature
Name of Legal Owner
James D. Cahn, President
Address
City
State
Zip
1609 Bellona Avenue (410) 252-3388
Lutherville, MD 21093
Timothy L. Mullin, Jr.
Hiles & Stockbridge
10 Light Street, Suite 1300
Baltimore, MD 21202-3641

APPROVED FOR FILING
Date
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1609 Bellona Avenue
which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section B.C.2.R.1501.21a (See attached Addendum).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (Indicate hardship or practical difficulty): To preserve as large an area to the north of the proposed structure as practicable for use as a training site (presently existing), to locate the proposed structure as close as practicable to an existing storage garage, and to remove the structure as far as practicable from the existing dwelling to the east.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner Name
(Type or Print Name)
Signature
Address
City State Zip
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zip

Legal Owner:
Lutherville Volunteer Fire Company, Inc.
By: [Signature]
James D. Cahn, President
(Type or Print Name)
Signature
Address
City State Zip

10 Light St., Suite 1300 (410) 385-3641
Baltimore, MD 21202
10 Light Street, Suite 1300 (410) 385-3641
Baltimore, MD 21202

ESTIMATED LENGTH OF HEARING: _____
HEARING DATE: _____
REVIEWED BY: JLM DATE: 12-3-93
225

ADDENDUM TO PETITION FOR VARIANCE

1609 Bellona Avenue 94-226-XA

- For proposed steel pre-fab garage for variance of rear yard requirement from 30 feet to 10 feet.
- For existing garage for variance of side yard requirement from 20 feet to same 10 feet.
- For the purpose of permitting 10 feet between proposed rear of steel pre-fab garage and side of existing garage in lieu of 50 feet.

FROM THE OFFICE OF
GEO. WILLIAM STEPHENS, JR. & ASSOCIATES, INC.
ENGINEERS
104 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

Description to Accompany a
Zoning Petition for Special Exception.

November 2, 1993

RE: Lutherville Volunteer Fire Company

Beginning at a point located South 19° East 310 feet more or less from the point of intersection of the center lines of Bellona Avenue and Division Avenue thence in a counterclockwise direction:
1 - South 88° 43' 54" West 110.00 feet
2 - A curve to the right with a radius of 900.40 feet, a length of 296.67 feet and a chord of South 08° 17' 51" West 295.33 feet
3 - South 17° 44' 12" West 276.23 feet
4 - North 85° 59' 12" East 19.37 feet
5 - North 17° 44' 12" East 168.41 feet
6 - South 72° 15' 48" East 45.56 feet
7 - North 85° 59' 12" East 50.00 feet
8 - North 17° 44' 12" East 82.51 feet and
9 - A curve to the left with a radius of 1010.40 feet, a length of 332.75 feet and a chord of North 08° 16' 15" East 331.25 feet to the place of beginning.
Containing 1.153 acres of land more or less.

NOTE: THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 12/17/93
Posted for: Special Exception & Variance
Petitioner: Lutherville Vol. Fire Co.
Location of property: 1609 Bellona Ave. West of Division Ave.
Location of Sign: Property, roadway on property, hanging sign
Remarks: _____
Posted by: [Signature] Date of return: 1/1/94
Number of Signs: 2

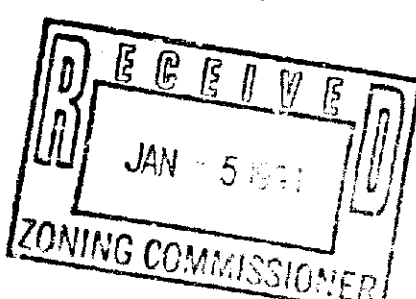
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property of the County Office Building, 400 Washington Avenue, Towson, Maryland 21204 on the following date:
Case Number: 94-226-XA
Date: 12/23/93
Time: 9:00 AM
Location: 400 Washington Avenue, Towson, Maryland 21204
Special exception for a variance for a company storage garage. Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet. If the proposed steel pre-fab garage to be a side yard set back of 10 feet in lieu of the required 20 feet for a side yard set back and permit 10 feet between proposed rear of steel pre-fab garage and side of existing garage in lieu of the required 50 feet.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTICE: If you wish to appear at the hearing, please call 887-3353.
12/23/93 December 16

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/16, 1993
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/16, 1993

THE JEFFERSONIAN,

A. Henickson
LEGAL AD - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

ITEM 225 receipt
94-226-XA

Account: R-001-150

Number JCM

Date 12-1-93
LUTHERVILLE VOL. FIRE CO. 1609 BELLONA AVE.
VAR. (020) 250.00
SP E. (050) 300.00
POSTING (080) 35.00
585.00

Should not have been charged -
Lavette is processing refund.
(pauice)
Sophia 12/8/93

01A01H0027MCHRC \$585.00
BA C003415PM12-01-93

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND

DEPARTMENT ORDER FOR DIRECT PAYMENT

Number DP-513190

Date December 1, 1993

PAYEE'S NAME AND ADDRESS	DESCRIPTION	AMOUNT
Lutherville Volunteer Fire Company, Inc.	Refund of Filing Fee (Item No. 225)	\$585.00
c/o Timothy L. Mullin, Jr., Esquire		
10 Light Street, Suite 1300		
Baltimore, Maryland 21202		
TYPE CODE # (SEE REVERSE) 1A	NEW VENDOR FEDERAL I.D. #	

DATE	AMOUNT	CHECK NO.	DATE	AMOUNT	CHECK NO.
01	001	006	01	001	006
02			02		
03			03		
04			04		
05			05		
06			06		
07			07		
08			08		
09			09		
10			10		
11			11		
12			12		

GWEN
PLEASE PUT
WITH ITEM 225
Sophia

REQUESTED BY:
Office of Zoning Administration and
Development Management MSP 11/93
NAME OF AGENCY OR DEPARTMENT

- ☐ Send Check to Above Department
- ☒ Mail Check to Payee
- ☐ Enclosure to be Mailed with Check

APPROVED FOR PAYMENT:
[Signature]
DATE: 12/1/93

While Copy - To Finance Office
Check Copy - For Purchasing Department
Yellow Copy - For Department's File

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 225
Petitioner: Lutherville Vol. Fire Co.
Location: 1609 BELLONA AVE.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: TIMOTHY MULLIN, JR.
ADDRESS: 10 LIGHT ST. SUITE 1300
BALD. MD. 21202
PHONE NUMBER: 385-3641

Item Number: 225
Planner: JCM
Date Filed: 12-5-93

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

- Need an attorney ☒
- The following information is missing:
 - Descriptions, including accurate beginning point
 - Actual address of property
 - Zoning
 - Acres
 - Plats (need 12, only 1 submitted)
 - 200 scale zoning map with property outlined
 - Election district
 - Councilmanic district
 - RCZB section information and/or wording
 - Hardship/practical difficulty information
 - Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
 - Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
 - Power of attorney or authorization for person signing for legal owner and/or contract purchaser
 - Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
 - Nutary Public's section is incomplete and/or incorrect and/or commission has expired

PET-FLAG (TYSOPH)
11/17/93

TO: POTENTIAL PUBLISHING COMPANY
December 16, 1993 Issue - Jeffersonian

Please forward billing to:

Timothy Mullin, Jr., Esq.
1111 S. Stoddard
10 Light Street
Baltimore, Maryland 21202
410-385-3641

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-226-XA (Item 225)
1601 Bellona Avenue
S/S Bellona Avenue at Intersection Division Avenue
8th Election District - 4th Councilmanic
Petitioner(s): Lutherville Volunteer Fire Company, Inc.
HEARING: THURSDAY, JANUARY 6, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a volunteer fire company storage garage.
Variances to permit rear yard setback of 10 feet in lieu of the required 30 feet for a proposed steel pre-fab garage; to permit a side yard setback of 10 feet in lieu of the required 20 feet for an existing garage; and to permit 10 feet between proposed rear of steel pre-fab garage and side of existing garage in lieu of the required 50 feet.

LAURENCE E. SCHMITT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 13, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-226-XA (Item 225)
1601 Bellona Avenue
S/S Bellona Avenue at Intersection Division Avenue
8th Election District - 4th Councilmanic
Petitioner(s): Lutherville Volunteer Fire Company, Inc.
HEARING: THURSDAY, JANUARY 6, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a volunteer fire company storage garage.
Variances to permit rear yard setback of 10 feet in lieu of the required 30 feet for a proposed steel pre-fab garage; to permit a side yard setback of 10 feet in lieu of the required 20 feet for an existing garage; and to permit 10 feet between proposed rear of steel pre-fab garage and side of existing garage in lieu of the required 50 feet.

Arnold Jablon
Arnold Jablon
Director

cc: Lutherville Volunteer Fire Company, Inc.
Timothy L. Mullin, Jr., Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 867-3353

December 27, 1993

Timothy L. Mullin, Jr., Esquire
Light Street, Suite 1300
Baltimore, Maryland 21202

RE: Case No. 94-226-XA, Item No. 225
Petitioner: Lutherville Volunteer Fire Company, Inc.
Petitions for Special Exception and Variance

Dear Mr. Mullin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 3, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



O. James Lighthizer
Secretary
Hal Kastoff
Administrator

12-10-93

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 425 (JCM)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
DAVID N. RAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pac Keller, Deputy Director
Office of Planning and Zoning

DATE: December 16, 1993

SUBJECT: 1609 Bellona Avenue

INFORMATION:

Item Number: 225

Petitioner: Lutherville V.F.C., Inc.

Property Size: _____

Zoning: D.R. 5.5

Requested Action: _____

Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:

The requested Variances and Special Exception are to permit the expansion of the Lutherville Volunteer Fire Company located at 1601 Bellona Avenue onto an adjacent property. The request involves the proposed construction of a steel pre-fab garage on a property that is also owned by the volunteer fire company and has an existing access driveway and garage accessible from Seminary Avenue.

The site in question is located within a Community Conservation Area, (designated by the Baltimore County Master Plan adopted 2/5/90 by the Baltimore County Council) and within the Lutherville National Register Historic District. The site is adjacent to the Lutherville Baltimore County Historic District. The community conservation designation is intended to preserve and protect older established communities. A compatibility review is required to be provided by the volunteer fire company. Since the proposed development involves the local and national historic district, this office recommends referral of this request to the Baltimore County Landmarks Commission and Baltimore County Planning Board, pursuant to Section 26-37(3) of the Development Regulations.

The petition requests a Special Exception for a volunteer fire company pursuant to Section 1801.1.C.19 which is subject to residential transition area requirements (r.t.a.). The proposed storage building is clearly not a community building, pursuant to Section 1801.1.B.1.g(10), which is an exception to r.t.a.

ZAC.225/PZONE/ZAC1

Pg. 1

Variances may be requested to r.t.a. requirements, however, a finding pursuant to Section 26-206 and 26-252 is required. The hearing officer may not reduce the amount of the r.t.a. unless the officer specifically finds and determines that such a reduction will not adversely impact the residential community or development on the land adjacent to the property.

Additional information should be provided in order for this office to evaluate the proposed Special Exception and Variances to r.t.a. in accordance with the compatibility objectives outlined in Section 26-282 (see attached).

This office cannot make a finding regarding compatibility until the following is provided:

1. Architectural drawings showing type of building materials, color, facade treatment, etc.
2. Cross sections of the proposed building from all four contiguous residential properties.
3. A schematic landscape plan with proposed evergreen understory plantings to screen all off-site premises. A limit of disturbance line should be shown on the site plan and landscape plan to minimize removal of major deciduous trees.
4. The training area request should be clarified with more specific information provided regarding the type of training, hours and a limit of use area clearly noted on the plan.

It should be noted that several unlicensed damaged and disabled vehicles, a tow truck, and two trailers were observed on site upon a field inspection on 12/10/93. This area should be cleaned up, and if junked vehicles are planned for use as part of a training operation, they should be stored in an area fenced with a board on board fence.

Lastly, there are some additional issues involving the proposed storage building and the Baltimore County Development Regulations and the development process. The development process has not been initiated; the volunteer fire company should clarify the process it plans to follow, i.e. will a limited exemption be sought?

Prepared by: *David Little*

Division Chief: *Caryl L. Kerns*

PK/JL:lw

ZAC.225/PZONE/ZAC1

Pg. 2

from the proposed development to a definable boundary such as a primary collector or arterial road, a significant change in character or land use, or a major natural feature.

(Code 1978, § 22-104; Bill No. 18, 1990, § 2; Bill No. 170, 1991, § 4; Bill No. 1, 1992, § 2) [Bill No. 56, 1982, § 2; Bill No. 34, 1984, § 2; Bill No. 103, 1988, § 5; Bill No. 151, 1988, § 5]

Sec. 26.283. Adoption of development manuals.

- (a) In order to implement the standards and requirements set forth in this division 4, the county shall prepare development manuals in accordance with the requirements of this section and submit same to the planning board for its action under subsection (c).
- (b) (1) The department of public works shall prepare the following manuals and submit same to the planning board within thirty (30) days of the effective date of this article:
 - (i) Design manual.
 - (ii) Manual of standards details.
 - (iii) Manual of standards specifications.
 - (iv) Manual of storm water management policy.
 - (v) Manual of sediment control and slope protection.
- (2) The department of public works shall prepare a manual of uniform traffic-control devices.
- (3) The department of public works shall prepare a manual of operating procedures and submit same to the planning board within six (6) months of the effective date of this article.
- (4) The office of planning and zoning and the department of recreation and parks shall jointly prepare a manual of design and administration of the open space requirements set forth in section 22-91 through 22-95 of these regulations and submit same to the planning board within six (6) months of the effective date of this article.
- (5) The office of planning and zoning shall prepare a manual of landscaping standards and submit same to the planning board.
- (6) The department of environmental protection and resource management shall prepare a manual to implement the standard set out in division 4, grading and sediment control.
- (c) (1) Each manual required to be prepared by this section shall be submitted to the planning board for its review and approval.

51

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

December 21, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #225 - Lutherville VFD
1609 Bellona Avenue
Zoning Advisory Committee Meeting of December 13, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

At this time property will have to comply with Baltimore County's Forest Conservation Regulations.

JLP:GCS:sp

LUTHERVI/DEPRM/TXTSBP

Baltimore County Government
Department of Permits and Licenses



DECEMBER 16, 1993

(410) 887-3610

111 West Chesapeake Avenue
Towson, MD 21204
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

ZONING AGENDA: DECEMBER 13, 1993

Property Owner: BALTIMORE ASSOCIATION OF RETARDED CITIZENS
Location: #7215 YORK ROAD
Item No.: #221 (JCM)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: LUTHERVILLE VOLUNTEER FIRE COMPANY, INC.
Location: #1601 BELLONA AVENUE
Item No.: #225 (JCM)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: C.E. MCWILLIAMS, JR. & NELLIE MCWILLIAMS
Location: #11904 REISTERSTOWN ROAD
Item No.: #230 (JLL)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: BOURQUIN L.L. C.
Location: #7901 BELAIR ROAD
Item No.: #231 (RT)
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

Property Owner: HOWARD H. GERMAN, III & SUSAN L. GERMAN
Location: #18411 GUNPOWDER ROAD
Item No.: #229 (RT)
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Property Owner: NORBERT J. RICHARDSON & HONOR E. RICHARDSON
Location: #6400-02 WINDSOR MILL ROAD AND #2104, #2106
Item No.: #224 (JCM)
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Gentlemen:

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

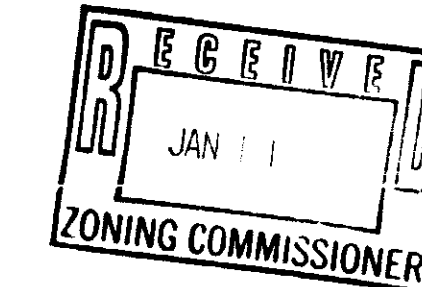
TO: Larry Schmidt
Zoning Commissioner
DATE: January 11, 1994

FROM: Jeffrey Long
Office of Planning & Zoning

SUBJECT: LUTHERVILLE VOLUNTEER FIRE CO. INC.
(ITEM NO. 225, 94-226 XA)

Based upon subsequent review of the maps and input from John McGrain, it appears that the eastern boundary of the County Historic District coincides exactly with the western boundary of the property. Therefore, this office concludes that the project is not required to be referred to the Planning Board. We do anticipate, however, this project will be reviewed by the Landmarks Preservation Commission at their January 13, 1994 meeting.

JL:lw
LUTH.EM/PZONE/TXTLLF



IN THE MATTER OF * BEFORE THE ZONING
Lutherville Vol. Fire Dept. * COMMISSIONER OF
1609 Bellona Ave. * BALTIMORE COUNTY
* CASE NO. 94-226 XA

SUBPOENA

Please process in accordance with Zoning Commission Rule IV (c).

TO: Pat Keller, Deputy Director
Office of Planning and Zoning

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Produce documents and or objects only; () Personally appear and produce documents or objects;

at Room 118, Hearing Room, Old Courthouse
(Place where attendance is required)

on Thursday the 6th day of January,
1994, at 9:00 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

J. Carroll Holzer, Esq. 305 Washington Ave. #502 Towson 825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date Jan. 4, 1994

Zoning Commissioner

SHERIFF'S RETURN

() Served and copy delivered on date indicated below.

() Unserved, by reason of

SHERIFF

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions is entered into this 15th day of February, 1994, by and between the Lutherville Volunteer Fire Company, Inc. ("Fire Company") and the Lutherville Community Association ("Community Association").

WITNESSETH

WHEREAS, the Fire Company is the owner of property located at 1609 Bellona Avenue, as more particularly described in the attached Exhibit A, on which it maintains a volunteer fire company station; and

WHEREAS, the Fire Company is also the owner of property located at 1605 Bellona Avenue, as more particularly described in the attached Exhibit B; and

WHEREAS, the Fire Company has filed a Petition for Special Exception and Petition for Variance to the Zoning Commissioner of Baltimore County, Case No. 94-226-XA (Item 225) ("Petitions"), for the purpose of constructing a garage as more particularly described in the Petitions; and

WHEREAS, the Community Association has questioned the Petitions; and

WHEREAS, the Community Association and the Fire Company have entered into an agreement pursuant to which the Fire Company has agreed, among other things, to entering into this Declaration of Restrictions and the Community Association has agreed to support the Petitions;

NOW THEREFORE, in consideration of the premises and other good and valuable consideration, receipt of which is hereby

acknowledged, the Fire Company and the Community Association agree as follows:

1. For the period provided in this Declaration, the Fire Company shall not break ground on construction of an addition to its existing volunteer fire company station, or break ground on new construction on the property known as 1605 Bellona Avenue; provided, however, that this Declaration of Restrictions shall not apply, and it will not be a violation of this Declaration of Restrictions, for the Fire Company to construct additions to the existing volunteer fire company station which do not front on Bellona Avenue and which do not require any governmental approval other than a building permit.

2. The parties agree that this restriction is not intended to prevent the volunteer fire company from planning, designing, or seeking governmental approval for any addition to the existing volunteer fire company station or any new construction on 1605 Bellona Avenue, including, without limitation, seeking any zoning, planning or developmental approvals, but only prohibits the Fire Company from commencing construction or breaking ground as set forth above.

3. This restriction shall automatically expire on January 17, 1999 after which there shall be no restriction on the ability of the Fire Company to utilize the property described herein.

4. Nothing in this Declaration of Restrictions shall prohibit the Community Association and the Fire Company from agreeing to permit the Fire Company to break ground or commence construction on any project prior to the expiration of this Declaration of Restrictions, or otherwise altering or amending the terms of this Declaration of Restrictions, so long as such agreement shall be in writing between the Fire Company and Community Association.

5. Nothing in this Declaration of Restrictions shall affect in any way the Fire Company's proposed construction of a garage as described in the Petitions.

ATTEST

LUTHERVILLE VOLUNTEER FIRE
COMPANY, INC.

By: James D. Cahn, President

ATTEST

LUTHERVILLE COMMUNITY
ASSOCIATION, INC.

By: James D. Cahn, President
Title: President

STATE OF MARYLAND }
COUNTY OF BALTIMORE } to wit:

The foregoing instrument was acknowledged before me this 15th day of February, 1994 by James D. Cahn, President of LUTHERVILLE VOLUNTEER FIRE COMPANY, INC.

My Commission Expires: 12-11-94

STATE OF MARYLAND }
COUNTY OF BALTIMORE } to wit:

The foregoing instrument was acknowledged before me this 15th day of February, 1994 by James D. Cahn, President of LUTHERVILLE COMMUNITY ASSOCIATION, INC.

Notary Public

My Commission Expires:

President

EXHIBIT B

BEGINNING for the same on the South side of the County Road at the end of the North 19 degrees 26 minutes West 155 feet 4 inch line of that parcel of land which by deed dated October 22nd, 1928 and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 661, folio 196, was conveyed by M. Whitridge Amoss and wife to C.C. Berry and wife, running thence binding on the County Road North 70 degrees 34 minutes East 128 feet 10 1/2 inches, to the beginning of the South 17 degrees 16 minutes East 269 6/10 feet line of that parcel of land which by deed dated August 1927, and recorded among the Land Records of Baltimore County in Liber C.W.C. No. 650, folio 108 was conveyed by M. Whitridge Amoss and Lida C. Amoss, his wife, to the Lutherville Volunteer Fire Company, running thence binding on said line South 17 degrees 16 minutes East 269 6/10 feet to a concrete stone set in the ground on the West side of the right-of-way of the Towson and Cockeysville Railway, running thence North 84 degrees 9 minutes West 15 feet to a concrete stone, thence Southerly 3 feet 6 inches to a stone planted in the Northernmost line of the right-of-way of the Maryland Electric Railway Co., running thence on said right-of-way North 65 degrees 22 minutes West 145 feet 9 1/2 inches to the beginning of the North 19 degrees 26 minutes West 155 feet 4 inch line aforesaid, running thence binding on said line North 19 degrees 26 minutes West 155 feet 4 inches to the place of beginning.

Together with the buildings and improvements thereupon erected, made or being; and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in anywise appertaining. The improvements thereon being known as 1605 Bellona Avenue.

February 8, 1994

Timothy L. Mullin, Jr., Esquire
Miles & Stockbridge
10 Light Street
Baltimore, Maryland 21202-1487

Re: Lutherville Volunteer
Fire Company, Inc.

Dear Tim:

Please excuse my delay in forwarding this material to you, but with a combination of scheduling problems, weather, miscommunications and other things the delay just happened.

Enclosed herewith are an executed copy of your cover letter dated January 21, 1994 and the executed Declaration of Restrictions between the Fire Company and the Community Association.

I am forwarding the above-referenced documents to you with the following understanding regarding their implementation: First, by copy of this letter to Zoning Commissioner Lawrence Schmidt, I am informing him that the Community Association supports the Fire Company's petitions provided the hearing is reconvened for the purpose of entering the cover letter and Declaration of Restrictions into the hearing. I would also expect Mr. Schmidt's ruling on the petitions to include a stipulation that the restrictions embodied in the declaration are a condition of the approval of the petitions. I would not expect the re-opening of the hearing to take any more than a few minutes of mutually convenient time for all involved. Secondly, the Community Association will withdraw any written opposition to the petitions. I will confer with Carroll Holzer on how this is accomplished. Thirdly, the Declaration will be recorded in the Land Records, with both parties sharing equally in any recording costs. Also in that regard, would not it be necessary to include a certification for recording purposes on the Declaration? Finally, please arrange thru this writer the consultation mechanism (process) with regards to landscaping.

Thank you for your efforts on behalf of all involved. Let's make sure we have a continuing dialogue on any matters of mutual interest.

MILES & STOCKBRIDGE

1000 ACADEMY STREET
CAMBRIDGE, MD 21613-1808
101 RAY STREET
EASTON, MD 21821-8718
1000 RANDOM HILLS ROAD
FAIRFAX, VA 22030-7489
TIMOTHY L. MULLIN, JR.
(410) 385-3411

10 LIGHT STREET
BALTIMORE, MARYLAND 21202-1487
TELEPHONE 410-787-6464
FAX 410-788-0700

100 WEST PATRICK STREET
FREDERICK, MD 21701-9900
88 WEST JEFFERSON STREET
ROCKVILLE, MD 20850-4888
6000 WASHINGTON AVENUE
TOWSON, MD 21204-0998
1480 O STREET, N.W.
WASHINGTON, D.C. 20005-8001

January 21, 1994

Mr. Eric Rockel
610 Riderwood Drive
Lutherville, Maryland 21093

Re: In the Matter of Lutherville Volunteer
Fire Company, Inc.
Petitions for Special Exception and Variance
Case No.: 94-226-XA (Item 225)

Dear Eric:

This letter will evidence the agreement reached between the Lutherville Volunteer Fire Company, Inc. ("Fire Company") and the Lutherville Community Association, Inc. ("Community Association") concerning the above referenced petitions by the Fire Company to construct a garage to the rear of its premises at 1609 Bellona Avenue, Lutherville, Maryland. The Fire Company and the Community Association have agreed as follows:

1. The Fire Company will consult with the property owners adjacent to the Fire Company property and agree to make reasonable landscaping efforts to screen the proposed garage.
2. The Fire Company and the Community Association will enter into a Declaration of Restrictions in the form attached hereto as Exhibit A to be recorded among the Land Records of Baltimore County.
3. In exchange for the above, the Community Association will withdraw any written opposition to the above referenced petitions filed with the Zoning Commissioner, and will advise the Zoning Commissioner in writing that the Community Association supports the above referenced petitions.

I will arrange to have this letter and the Declaration of Restrictions added as exhibits to the hearing record.

I have authority to bind the Fire Company in connection with this letter agreement, and I understand that you have authority to bind the Community Association as well.

MILES & STOCKBRIDGE

1000 ACADEMY STREET
CAMBRIDGE, MD 21613-1808
101 RAY STREET
EASTON, MD 21821-8718
1000 RANDOM HILLS ROAD
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6000 WASHINGTON AVENUE
TOWSON, MD 21204-0998
1480 O STREET, N.W.
WASHINGTON, D.C. 20005-8001

February 16, 1994

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire
Deputy Zoning Commissioner
Office of Zoning Administration
and Development Management
Old Courthouse
400 Washington Avenue, Suite 113
Towson, Maryland 21204

Re: In the Matter of Lutherville Volunteer Fire Company, Inc.
Petitions for Special Exception and Variance
Case No.: 94-226-XA (Item 225)

Dear Mr. Schmidt:

In connection with the above referenced Petitions, enclosed please find for filing the following:

1. Post Hearing Memorandum in Support of Petitions for Special Exception and Variance.
2. Copy of letter agreement dated January 21, 1994.
3. Copy of Declaration of Restrictions.

I would appreciate it if you would include items no. 2 and 3 in the record of this proceeding. Pursuant to the desires of the parties, please include in your ruling on the petitions a stipulation that the restrictions embodied in the declaration are a condition of the approval of the petitions.

Finally, you should receive from Mr. Holzer a formal withdrawal of any opposition of the Community Association to the petitions. You should have received a copy of correspondence from Mr. Rockel indicating that the Community Association supports the petitions subject to the letter agreement and Declaration of Restrictions.

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

MARSH MURPHY
115 Mellicken Ave. Lutherville
GARY NIXON
200 Morris Ave. Lutherville
21093

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Timothy L. Mullin, Jr.
Attorney for Petitioner
JAMES S. KUNIS
PARNELL (G.W. STEPHENS)
MICHAEL L. HUBER
CAPTAIN, LUTHERVILLE VOL FIRE CO.
10 Light Street, Suite 1300
Lutherville, MD 21093
655 KENILWORTH DR
TOWSON MD 21204
P.O. BOX 232
LUTHERVILLE MD 21093
CITYVILLE, MD 21031

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: December 16, 1993

SUBJECT: 1609 Bellona Avenue

INFORMATION:

Item Number: 225

Petitioner: Lutherville V.F.C., Inc.

Property Size:

Zoning: D.R. 5.5

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The requested Variances and Special Exception are to permit the expansion of the Lutherville Volunteer Fire Company located at 1601 Bellona Avenue onto an adjacent property. The request involves the proposed construction of a steel pre-fab garage on a property that is also owned by the volunteer fire company and has an existing access driveway and garage accessible from Seminary Avenue.

The site in question is located within a Community Conservation area, (designated by the Baltimore County Master Plan adopted 2/5/90 by the Baltimore County Council) and within the Lutherville National Register Historic District. The site is adjacent to the Lutherville Baltimore County Historic District. The community conservation designation is intended to preserve and protect older established communities. A compatibility review is required to be provided by the volunteer fire company. Since the proposed development involves the local and national historic district, this office recommends referral of this request to the Baltimore County Landmarks Commission and Baltimore County Planning Board, pursuant to Section 26-207(3) of the Development Regulations.

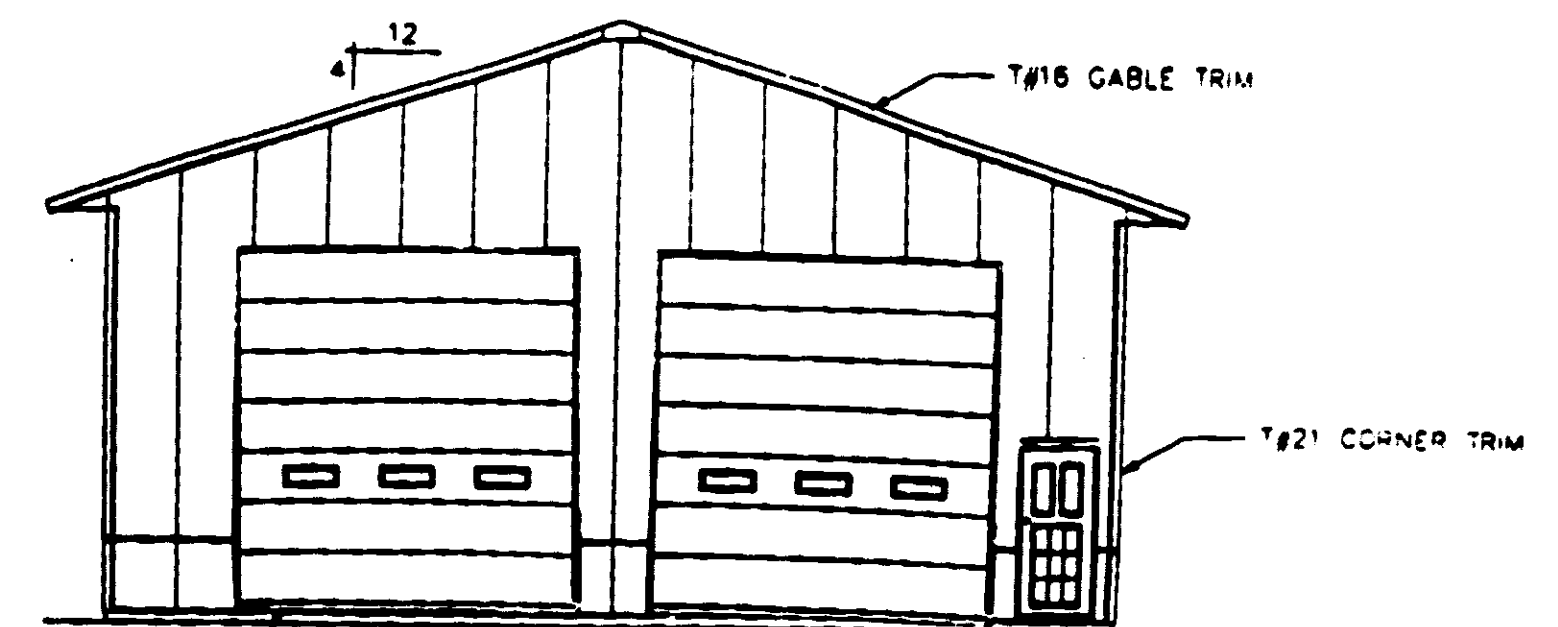
The petition requests a Special Exception for a volunteer fire company pursuant to Section 1801.1.C.19 which is subject to residential transition area requirements (r.t.a.). The proposed storage building is clearly not a community building, pursuant to Section 1801.1.B.1.g(10), which is an exemption to r.t.a.

PROTESTANTS
EXHIBIT NO. 1

BAC. 225/PRODM/BAC1

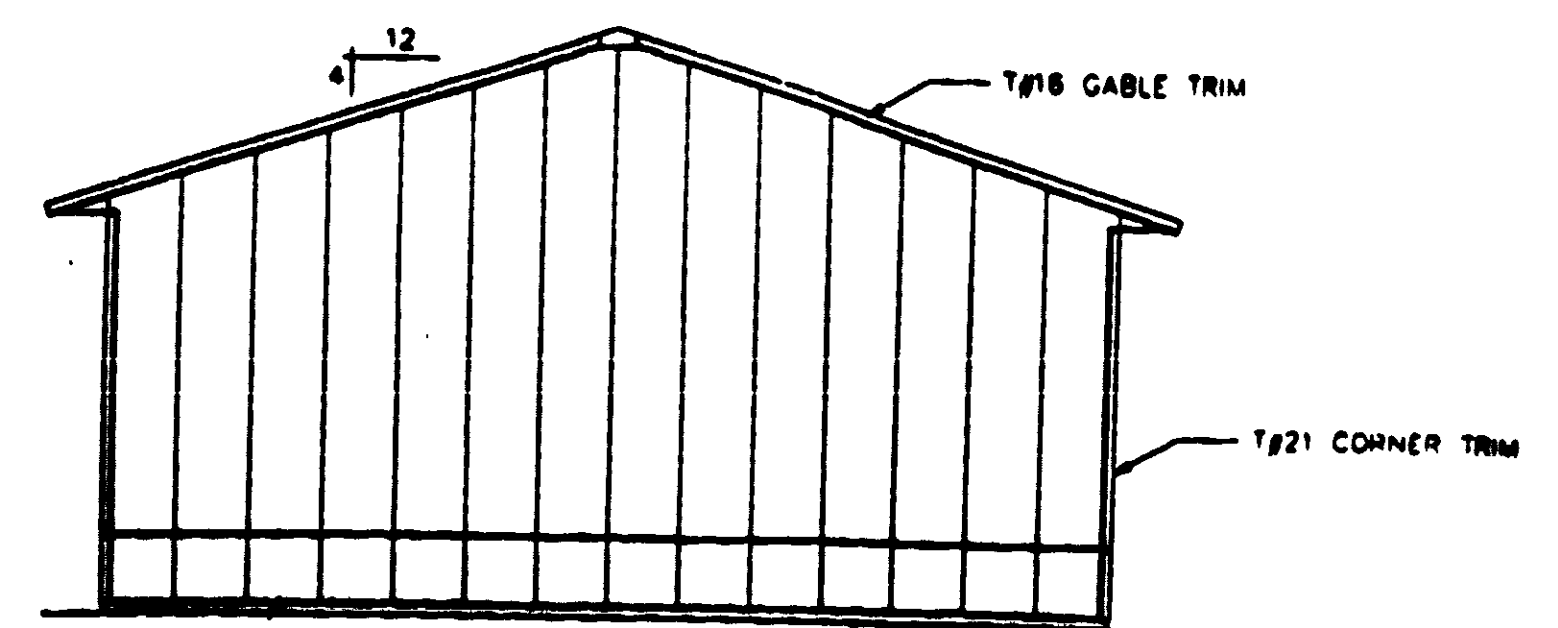
Pg. 1

TYPICAL ELEVATIONS
(Not final Architectural Drawings)



NORTH ELEVATION

PETITIONER'S
EXHIBIT No 2



SOUTH ELEVATION